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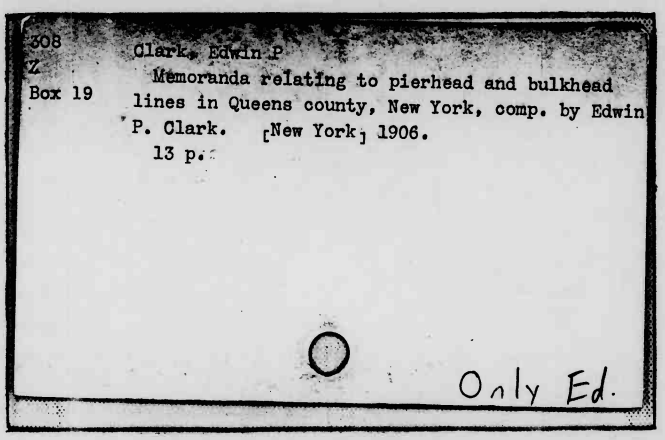
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MEMORANDA

RELATING TO

PIERHEAD AND BULKHEAD LINES

IN QUEENS COUNTY
NEW YORK

308
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Box 19

MEMORANDA

RELATING TO

PIERHEAD AND BULKHEAD LINES

IN QUEENS COUNTY
NEW YORK

COMPILED BY
EDWIN P. CLARK

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PIERHEAD AND BULKHEAD LINES
IN QUEENS COUNTY

I. PRIVATE DOCKS.

Prior to the enactment of comprehensive legislation dealing with the subject of Pierhead and Bulkhead lines, permission was granted by statute to several persons to erect docks at various places, as shown in the following list, which also includes instances in Nassau County, no official lines having been established in that county as yet:—

Long Island City—Astoria.—*Hallet's Cove Railway*—May construct "railway-docks, or other artificial wharves and docks," and a canal, at Hallet's Cove.—Ch. 205 L. 1828; ch. 111 L. 1832.

Stephen A. Halsey.—From 50 ft. south of the Ferry wharf southerly and easterly around the point and into Hallet's Cove to within 50 ft. of the public wharf. May extend 100 ft. beyond low water mark.—Ch. 224 L. 1839.

Robert M. Blackwell.—From the southwest corner of (Second) Remsen St., westerly 150 ft. to land of Samuel Stevens; in front of the turpentine distillery; and from the Ferry property easterly (northerly?) 335 ft. to land of Stephen A. Halsey. May extend 50 ft. beyond low water mark.—Ch. 186 L. 1841.

By Ch. 386 L. 1866 the Supervisor of Newtown was directed to convey to the Village of Astoria the *Town Dock* or public landing place at the foot of Main St. and the right to extend it to the exterior bulkhead line.

Flushing Creek.—*Jonathan Peck and his associates.*—Adjacent to their lands 355 ft. along the creek. Not more than 25 ft. beyond low water mark.—Ch. 166 L. 1829.

Isaac and Elijah Peck.—From the "northwest corner of the present dock, erected by said Isaac Peck" along low water mark N. 19° W. 495 ft., and N. 26½° W. 185 ft., "on a line with the southwest corner of William Hamilton's dock."—Ch. 146 L. 1825.

Flushing and Newtown Turnpike Bridge and Road Company.—To build a bulkhead along the southerly side of the easterly abutment of their bridge, extending southerly 58 ft. 6 in., and to be 39 ft. on the north and 46 ft. on the south sides.—Ch. 36 L. 1844; ch. 55 L. 1847.

Trustees of Flushing Village.—Between land of the F. and N. T. B. and R. Co., and land of Jonathan Peck, deceased. Not to extend beyond the company's dock; may extend the town dock to be in line with the bridge abutment.—Ch. 211 L. 1848.

James Peck.—To rebuild old dock south of the Road Company's bridge, between the town meadows and land of J. W. Lawrence. Not to extend below low water mark.—Ch. 127 L. 1849.

Flushing—Lawrence's Neck.—*Samuel Nichols.*—Extending north to "Lone or Fishing rock" not more than 250 ft. from high water mark; thence southwesterly 540 ft., and southeasterly 135 ft. to high water mark.—Ch. 140 L. 1833.

Flushing—Whitestone.—*Trustees* may sell the town dock at public auction, subject to the rights of John D. Locke.—Ch. 348 L. 1870.

Flushing—Little Bay Side.—*Daniel Reeve.*—Adjoining his land; not exceeding 300 feet from high water mark; 50 ft. wide.—Ch. 37 L. 1829.

North Hempstead—Little Neck Bay.—*Richard Udell.*—Adjoining his land; not more than 400 ft. from high water mark or 40 ft. wide.—Ch. 231 L. 1835.

North Hempstead—Cow Bay.—*Edward Mitchell.*—From slip at northerly end of Plandome Mills northerly 60 rods.—Ch. 424 L. 1849.

North Hempstead—Sands Point.—*Richard Sands.*—May erect a dock for ferry purposes.—Ch. 46 L. 1785.

North Hempstead—Hempstead Harbor.—*Joseph B. Cheeseman.*—Adjoining his land; not more than 250 ft. from high water mark or 30 ft. wide.—Ch. 225 L. 1835.

Oyster Bay—Hempstead Harbor.—*George D. Coles.*—Adjoining his land; southerly and westerly 500 ft. from high water mark; 60 ft. wide.—Ch. 173 L. 1829.

Thomas Garvie.—Adjoining his land; not less than 100 nor more than 300 ft. from low water mark; not less than 20 nor more than 50 ft. wide.—Ch. 228 L. 1829.

Oyster Bay.—*James E. De Kay and Daniel Fleet.*—Extending into the harbor in a northerly direction not exceeding 595 ft. from high water mark; 60 ft. wide.—Ch. 234 L. 1835.

Benjamin L. Swan, Jr.—Commissioners of the Land Office authorized to grant right to erect a sea wall on Oyster Bay Cove in front of his lands, between high and low water marks not exceeding 50 ft. from high water mark.—Ch. 396 L. 1865.

Rockaway Beach.—*Rockaway Beach Hotel Co.*—May construct dock to be used in connection with its hotel.—Ch. 804 L. 1866.

Rockaway Beach Land and Improvement Co.—May erect docks on Jamaica Bay.—Ch. 860 L. 1866.

The charter of the village of **Whitestone.**—Ch. 199 L. 1869—and the acts amending the charter of the village of **College Point**—Ch. 311 L. 1869 and Ch. 279 L. 1872—grant permission to the owners of lands fronting on the water to build piers, bulkheads, etc., on the land under water out to the Harbor Commissioners' line of 1857. The Village Trustees are also authorized to build docks, etc., and to extend streets to the exterior lines, upon making compensation to the owners of the land. These rights have been somewhat restricted by the establishment of the lines approved January 9, 1891, mentioned later.

Power to grant lands under the waters surrounding Long Island, and to authorize the erection of docks, etc., was conferred on the Commissioners of the Land Office by Ch. 232 L. 1835 and Ch. 283 L. 1850. The general powers of the Commissioners of the Land Office are set forth in Part I, Chap. IX, Tit. V, Art. 4 of the Revised Statutes, and are now embodied in the Public Lands Law, Ch. 317 L. 1894 being Chap. 11 of the General Laws. The powers of the New York City authorities to regulate docks and piers will be found in sections 816 to 881 of the Greater New York Charter, and their amendments.

II. STATE ACTION.

Harbor Commissioners.—In 1855 an act was passed—Ch. 121—"for the appointment of a commission for the preservation of the harbor of New York from encroachments, and

to prevent obstructions to the necessary navigation thereof." The commissioners were directed to have the necessary surveys and examinations made in order to thoroughly investigate the conditions and positions of the existing docks, wharves, piers and bulkheads, the water grants which had been made, and the location of the original shore line; and to report to the legislature with maps, field notes, and recommendations for the establishment of permanent pierhead and bulkhead lines. They made an arrangement with the U. S. Coast Survey, by which the latter made for them a full and complete original survey of the harbor, based on which they prepared an atlas to accompany their reports.

The Commission made its reports, dated January 8 and 26, 1856 (Sen. Doc. No. 3, 1856) and January 27, and March 18, 1857 (Sen. Doc. Nos. 40 and 126, 1857) which were confirmed, and the lines recommended, as shown on the maps accompanying said reports, established by Ch. 763 L. 1857, which directed them to file the maps "together with a minute written description, by courses and distances, of the aforesaid lines in front of the cities of New York and Brooklyn" in the office of the Secretary of State, and a copy of the description in the office of the Street Commissioner of New York.

They accordingly filed in Albany an **"Atlas of New York Harbor, made under the direction of the Harbor Commissioners"** in which the following sheets in Vol. II show a pier and bulkhead line in Queens County extending from the Penny Bridge on Newtown Creek to Cryder's Point in Whitestone:—

15. Newtown Creek.
14. From Eagle St., Greenpoint, to West Eighth St., Hunter's Point.
7. Blackwell's Island.
8. Hell Gate and part of Blackwell's Island.
9. From Hell Gate to Throg's Neck.

Copies of this atlas (not including, however, sheet 9) are on file in the Engineering Bureau of the Comptroller's Office, and the Engineering Department of the Bureau of Street Openings, Manhattan, New York City.

In their written description the only reference to Queens County is as follows:—"The Bulkhead and Pier-lines from the entrance to Little Neck Bay westerly along the southerly and easterly shore of the East River (including Flushing Bay)

to Newtown Creek, and along the northerly shore of said creek to Penny Bridge, are as laid down in black ink on sheets 9, 8, 7, 14 and 15 in Atlas Vol. II before referred to, and marked thereon respectively 'Bulkhead line', 'Pier line,' and 'Bulkhead and Pier line' and at the distances from the present shore as exhibited on those sheets;" and that the line in Newtown Creek shall be such as to permit a water-way of 250 ft. from the line on the Brooklyn side, on which side it is described with reference to distances from contiguous streets.

This original line of 1857, *which was both a Pierhead and Bulkhead line,* is shown on the sheets mentioned without any distances connecting it with the shore or other monuments. It has been considerably modified and only two fragments of it remain today—one, in Newtown Creek for part of the distance between Penny Bridge and Dutch Kills Creek, and the other, on the Long Island City shore from Sanford Ave. to Lawrence's Point—as shown on Maps (491, 546 and 4010). From Lawrence's Point to Cryder's Point it differs considerably from the lines since adopted, which have been placed much nearer the shore in some places, with the result that many grants of land under water heretofore made by the State out to the line of 1857 extend beyond the present bulkhead or pierhead lines, *which thus operate to establish a restriction on the use of such granted lands;* this line and its relations to the new lines between these points is shown, approximately, in green, on Map (3167).

By Ch. 522 L. 1860 encroachments beyond the lines of 1857 are prohibited. The exclusive use of the bulkheads owned by the Long Island Railroad Co. at Hunter's Point is granted to the Company by Ch. 252 L. 1861.

Newtown Creek.—The Harbor Commissioners' line of 1857 extended easterly in Newtown Creek only as far as the Penny Bridge; from that point to Metropolitan Ave. a bulkhead line was laid out under the direction of a commission authorized by Ch. 523 L. 1869. This commission made two maps, and filed copies in the office of the Secretary of State on May 18, 1870 as Nos. R. 83 and R. 84, in the Kings County Register's Office on Sep. 27, 1870, and in the Queens County Clerk's Office on Oct. 6, 1870 as No. 538. The lines shown on these maps were established by Ch. 428 L. 1870, as "the bulkhead lines of solid filling in said creek, beyond which no erection

or permanent obstruction of any kind shall be permitted or made," and remain unchanged, except for a slight modification at Metropolitan Ave. These maps give no distances from points in Queens County, all references to fixed monuments being made on the Brooklyn side: Map No. (491) shows the position of these lines.

Ch. 413 L. 1871 authorizes the appointment of a commission to deepen Newtown Creek from Maspeth to Metropolitan Aves..

Board of U. S. Engineers.—By a concurrent resolution which passed the Senate Feb. 17, 1872 and the Assembly Apr. 6, 1872 it was "Resolved, That the Governor be requested to apply to the President of the United States to appoint three officers in the service of the United States, familiar with harbors, to examine into and revise the exterior pier and bulkhead lines of the harbor of New York, on the Brooklyn side, and report such revised line to the Legislature."

The President accordingly appointed Brig.-Gen. A. A. Humphreys, Chief of Engineers, Hon. Benjamin Pierce, Superintendent of the Coast Survey, and Lieut.-Col. John Newton, Corps of Engineers, and they met and organized May 17, 1872. In their report made to Gov. Tilden, dated May 5, 1875, they refer to Queens County as follows:—

"From Willets Point to Hallets Point.

"Until the progress of business in this direction shall have indicated the particular uses to which the several portions of this water area will be devoted, the Board do not deem it advisable to recommend any change in the lines laid down in the Harbor Commissioners' report of 1856 and 1857, except in Pot Cove, Hell Gate, as marked in red lines upon sectional Map Sheet 1a." (This line was never adopted.)

"From Hallets Point to the Wallabout.

"The lines of 1856 and 1857 in Hallets Cove, are susceptable of change, but until the development of business shall define the wants of the place, the Board deem it advisable to make no alteration.

"The blue lines encroaching upon the bed of Newtown Creek at and near the bridge at Union Ave., are represented to bound certain grants made to Crane and Ely, and in so far as they project beyond the lines of 1856 and 1857 are injurious to the creek, and should be set back by law."

Newtown Creek and Long Island City.— By Ch. 224 L.

1878 a new pier and bulkhead line, suggested by the Board of Engineers, was established in part of Newtown Creek from a point opposite Hayward St. at Dutch Kills Creek to the mouth of the Creek, and along the shore of the East River to First St.. This statute gives a minute description, by courses and distances, of this line, which is shown on Maps (491, 1236 and 4010), and which remains as the present line in Newtown Creek.

This statute *vests the unappropriated lands adjacent to the shores of Newtown Creek lying under water within the limits of the lines thus established in the respective owners of the adjacent property*, and extends all streets to the pierline as established. By Ch. 391 L. 1894 the title of the State to all lands within the lines of streets, avenues and highways from high water line in Newtown Creek to the Kings County line is vested in the County of Queens for public purposes.

The line established by the act of 1878 was extended to a point 2000 ft. north of the south side of Nott Ave. by Ch. 536 L. 1889, which gives offset distances from the line of 1857, and extends all streets to the new line. This line is shown on Maps (546 and 4010).

The line from (Robertson) Bodine St. to a point 400 ft. north of Graham Ave., approved by the Secretary of War June 1, 1893, was established by Ch. 290 L. 1894, which gives offset distances from Vernon Ave. and extends all streets to the new line. This line is shown on Map (4010) and remains the present line today.

III. FEDERAL ACTION.

The Constitution of the United States (Art. I, Sec. 8, Par. 3) provides that "The Congress shall have Power * * * To regulate Commerce with foreign Nations, and among the several States." No action was taken, under this power, with regard to harbor lines in New York waters until 1888, when Sec. 12 of the River and Harbor bill passed Aug. 11, 1888 (Ch. 860 U. S. Statutes) provided that "Where it is made manifest to the Secretary of War that the establishment of harbor lines is essential to the preservation and protection of harbors, he may and is hereby authorized to

cause such lines to be established, beyond which no piers or wharves [bulkheads or other works—Act of 1890] shall be extended or deposits made except under such regulations as may be prescribed from time to time by him." This was reenacted by the Act of Sep. 19, 1890 (ch. 907) which also provided penalties for violations, and by the Act of Mch. 3, 1899 (ch. 425) which also makes provision for compensatory excavations where filling in interferes with navigation.

New York Harbor Line Board.—Accordingly, under the authority of this act of 1888, the following Special Order No. 49, dated Washington, D. C., Oct. 5, 1888, was issued from the Headquarters of the Corps of Engineers, U. S. Army. "1. By direction of the Secretary of War the Board of Engineers stationed at New York City is hereby constituted a Board of Engineers to establish the Harbor Lines of New York Harbor and its adjacent waters in accordance with Sec. 12 of Act of Aug. 11, 1888."

This Board now has complete jurisdiction, subject to the approval of the Secretary of War, over all questions relating to the establishment or alteration of pierhead and bulkhead lines in the waters adjacent to New York City. These lines may be modified upon petition to the Secretary of War setting forth in detail the nature, extent and purpose of the change desired. The matter is then referred to the Board at New York, which proceeds to investigate the proposed change in all its bearings, granting hearings when it considers that conflicting interests might be affected. If the Board recommends the change it so reports to the Secretary of War, who thereupon approves it, and the new lines are thus legally established.

The following lines in Queens County waters have been approved on the dates noted, after recommendation by the New York Harbor Line Board, which has adopted, in some instances, the lines already established by State action.

Feb. 8, 1890.—(rec. Jan. 27, 1890)—From **Dutch Kills Creek** in Newtown Creek to **(Robertson) Bodine St.** in Long Island City; confirming the line established by ch. 224 L. 1878 and ch. 536 L. 1889, with some slight differences north of Flushing St. Shown on Maps (546, 491, 1236 and 4010).

Mch. 4, 1890.—(rec. Feb. 18, 1890)—From **(Robertson) Bodine St.** to **Lawrence's Point**; confirming the Harbor

Commissioners' line established by ch. 763 L. 1857. Shown on Maps (546, 4010).

Dec. 29, 1890 and Nov. 6, 1891.—(rec. Dec. 16, 1890)—**Newtown Creek**; confirming the lines established by ch. 428 L. 1870; the Harbor Commissioners line from Penny Bridge to Dutch Kills Creek with some change; and the line of Feb. 8, 1890. Shown on Maps (491, 4010).

Jan. 9, 1891 and Nov. 6, 1891.—(rec. Dec. 23, 1890)—From **Lawrence's Point** to **Willet's Point**; entirely new pierhead and bulkhead lines, differing materially from the line of 1857. Shown on Map (3167).

June 1, 1893.—(rec. Jan. 16, 1893)—From **Bodine St.** to a **point 400 ft. north of Graham Ave.**; a new line; confirmed by ch. 290 L. 1894. Shown on Map (4010).

Feb. 18, 1898.—(rec. Jan. 28, 1898)—From **Newtown Creek** to **Canal north of Tenth St.,** Long Island City; a new pierhead line. Shown on Maps (1236, 4010).

June 28, 1901.—(rec. June 22, 1901)—At **College Point Ferry**; from Third Ave., to beyond First Ave.; new pierhead and bulkhead lines. Shown on Map (2607).

Feb. 8, 1902.—(rec. Jan. 27, 1902)—At **Steinway**; from Steinway Creek to North Beach; new pierhead and bulkhead lines. Shown on Maps (2631, 2632, 2633).

Feb. 15, 1902.—(rec. Apr. 5, 1901 and Jan. 21, 1902)—From **Hayward St.,** Dutch Kills Creek, to **Lawrence's Point.** Combining and confirming the lines approved Feb. 8, 1890, Mch. 4, 1890, June 1, 1893, and Feb. 18, 1898, with some slight modifications. Shown on Map (4010), which gives complete offset distances; and also described in a printed pamphlet entitled "Detailed Descriptions of the Pierhead and Bulkhead Lines for the Water Fronts of part of the City of New York" issued by the War Department in 1902.

Oct. 3, 1902.—(rec. Sep. 27, 1902)—In **Newtown Creek** extending about 738 ft. **northerly from Metropolitan Ave.**; new pierhead and bulkhead line. Shown in blue on Map (491).

Jan. 3, 1903.—(rec. June 17, 1902)—At **Lawrence's Point** and **Berrian's Island**; entirely new pierhead and bulkhead line, enclosing Berrian's Island and Creek within the lines of solid filling. Shown on Maps (2631, 2633).

Oct. 17, 1905.—(rec. Oct. 5, 1905)—On the **Jamaica Bay** side of **Rockaway Beach** in front of the Belle Harbor property; pierhead and bulkhead lines. Shown on Map (2606).

Dec. 18, 1905.—(rec. Nov. 30, 1905)—At **Steinway**; from opposite Pomeroy St. to North Beach; new pierhead line. Shown on Maps (2632, 2633).

Apr. 14, 1906.—(rec. Apr. 5, 1906)—At the mouth of **Steinway Creek**; new pierhead line. Shown in green on Map (2633).

IV. THE PRESENT LINES.

1. **Newtown Creek.—See Map (491).** *Pierhead and Bulkhead lines the same throughout.*

a. From *Metropolitan Ave. northerly* about 738 ft.. Approved Oct. 3, 1902, modifying line of Dec. 29, 1890.

b. From last mentioned point *to Penny Bridge.* Approved Dec. 29, 1890, confirming original line established by ch. 428 L. 1870.

c. From *Penny Bridge* to *Dutch Kills Creek.* Approved Dec. 29, 1890, confirming part of the original line established by ch. 763 L. 1857, and for part of the distance making a new line 220 ft. from the line on the Brooklyn side.

d. From *Dutch Kills Creek* to *mouth of Newtown Creek.* Approved Dec. 29, 1890, confirming the line approved Feb. 8, 1890, originally established by ch. 224 L. 1878, which modified the line of 1857. See also map (4010).

2. **Long Island City.—See Map (4010).**

a-1. From *Newtown Creek* to *Bodine St..* Approved Feb 8, 1890. Bulkhead line to the canal north of Tenth St., (see a-2) and thence bulkhead and pierhead line to Bodine St.. Confirming, with slight modifications, lines established by ch. 224 L. 1878 and ch. 536 L. 1889, which modified the line of 1857.

a-2. From *Newtown Creek to Canal north of Tenth St.* Approved Feb. 18, 1898, establishing new pierhead line, modifying line of Feb. 8, 1890.

b. From *Bodine St.* to point 400 ft. *north of Graham Ave.* Approved June 1, 1893, establishing new pierhead and bulkhead line, modifying line of Mch. 4, 1890, which confirmed the line of 1857.

c. From last mentioned point *to Lawrence's Point.* Approved Mch. 4, 1890, confirming the pierhead and bulkhead line established by ch. 763 L. 1857.

3. **Lawrence's Point and Steinway.—See Map (2633).**

a. From *Lawrence's Point* to *Steinway Creek,* including *Berrian's Island.* Approved Jan. 3, 1903, establishing new pierhead and bulkhead line, modifying lines approved Jan. 9, 1891, which modified the line of 1857.

b. From *Steinway Creek* to *North Beach.* Bulkhead line approved Feb. 8, 1902. Pierhead lines approved Feb. 8, 1902, Dec. 18, 1905 and Apr. 14, 1906. These new lines materially altered the lines approved Jan. 9, 1891, which itself modified the line of 1857.

4. **Bowery Bay, Flushing Bay, College Point and Whitestone. See Map (3167).** Approved Jan. 9, 1891, establishing new pierhead and bulkhead lines, materially altering the line of 1857, by placing the bulkhead line in nearly all places, and the pierhead line in *Bowery Bay and Powell's Cove* much nearer the shore. Modified at *College Point Ferry* by lines approved June 28, 1901, as shown on Map (2607).

5. **Jamaica Bay: Rockaway Beach.—See Map (2606).** Approved Oct. 17, 1905, establishing pierhead and bulkhead lines for a distance of 2600 ft. in front of the Belle Harbor property.

V. MISCELLANEOUS.

The following statutes relate to **Ferries:—**

1. Ch. 46 L. 1785.—From Sands Point, Cow Neck, to New Rochelle; and from Oyster Bay to Rye, Westchester County.
2. Ch. 211 L. 1823; ch. 80 L. 1825; ch. 221 L. 1827.—From Whitestone to Throgs Neck.
3. Ch. 83 L. 1853.—From Glen Cove to New Rochelle.
4. Ch. 120 L. 1892.—New York and College Point Ferry Co. authorized to make additional landings.

The following statutes authorize the construction or improvement of **waterways** in Queens County:—

1. Ch. 111 L. 1832.—From Hallet's Cove to the East River through Hallet's Point.
2. Ch. 41 L. 1833.—Improvement of Flushing Creek.
3. Ch. 219 L. 1828; ch. 255 L. 1829; ch. 202 L. 1848; ch. 446 L. 1859.—Connecting Jamaica Bay with Gravesend and Great South Bays, and Jamaica Village.

By ch. 375 L. 1884 certain lands under water at **College Point** are granted to Conrad Poppenhusen.

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